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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY EF DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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| UNITED STATES OF AMERICA, Plaintiff, v. Luis Alberto PANDURO Acosta, Defendant. | Magistrate Case No. '07 MJ 8897<br>COMPLAINT FOR VIOLATION OF<br>21 U.S.C. § 952 and 960<br>Importation of a Controlled Substance (Felony) |

The undersigned complainant being duly sworn states:

That on or about November 1, 2007, within the Southern District of California, defendant Luis Alberto PANDURO Acosta, did knowingly and intentionally import approximately 31.50 kilograms (63.50 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Section 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Rafael Silva, Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2nd DAY OF NOVEMBER 2007.

Peter C. Lewis
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Luis Alberto PANDURO Acosta

STATEMENT OF FACTS

This complaint is based on the reports, documents, and notes furnished to U. S. Immigration and Customs Enforcement Special Agent Rafael Silva.

On November 1, 2007, at approximately 1014 hours, Luis Alberto PANDURO Acosta entered the United States from the Republic of Mexico via the Calexico, CA West Port of Entry. PANDURO was the sole occupant driver of a 2001 Dodge Durango.

CBP Officer Kjellberg took a negative Customs declaration from PANDURO. CBP Officer Kjellberg noticed PANDURO appeared to be nervous by avoiding eye contact. CBP Officer Kjellberg referred PANDURO and the vehicle to the vehicle secondary area.

In the vehicle secondary inspection area, PANDURO gave a negative Customs declaration to CBP Officer Ledbetter. CBP Officer Ledbetter asked PANDURO if he owned the vehicle PANDURO stated he did. CBP Officer Ledbetter returned to the vehicle, conducted a thorough search of the vehicle and found packages hidden inside the gas tank of the vehicle. CBP Officer Ledbetter probed a package exposing a green leafy substance, which tested and proved positive for marijuana. A total of 28 packages with a net weight of 31.50 kilograms (63.50 pounds) of marijuana were removed from the gas tank.

PANDURO was placed under arrest and advised of his rights per Miranda, which he acknowledged and waived, agreeing to answer questions. PANDURO stated to Special Agent Silva he knew the vehicle contained marijuana. PANDURO stated he was to be paid $1,300.00 to drive the drug laden into the United States. PANDURO stated to S/A Silva he was to leave the vehicle at Wal-Mart parking lot in Calexico, CA.